

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lance Phillip Wickner,

Civil No. 09-966 (DWF/JJK)

Plaintiff,

v.

ORDER

Mary McComb, all sued in their individual capacities; Jeanne Michels, all sued in their individual capacities; Mark Ehlenz, all sued in their individual capacities; and Stephanie NLN, State Law Librarian, all sued in their individual capacities,

Defendants.

Lance Phillip Wickner, *Pro Se*, Plaintiff.

Margaret E. Jacot, Assistant Attorney General, Minnesota Attorney General's Office, counsel for Defendants Mary McComb, Jeanne Michels, and Mark Ehlenz.

John S. Garry, Assistant Attorney General, Minnesota Attorney General's Officer, counsel for Defendant Stephanie NLN, State Law Librarian.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated January 22, 2010. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant State Law Librarian Stephanie Thorson's Motion to Dismiss (Doc. No. [13]), is **DENIED**;

2. Plaintiff's Second Motion to Amend Complaint (Doc. No. [18]), is **GRANTED**;

3. The Clerk's Office is directed to file the proposed Second Amended Complaint for Violation of Civil Rights 42 U.S.C. § 1983 in the form currently attached to Plaintiff's Second Motion to Amend Complaint (Doc. No. [18], Attach. 1), as the Second Amended Complaint in this matter in a separate docket entry; and

4. Defendants shall answer or otherwise respond to the Second Amended Complaint for Violation of Civil Rights 42 U.S.C. § 1983, within 20 days of this Order.

Dated: February 17, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge